

Tanya E. Moore, SBN 206683
MOORE LAW FIRM, P.C.
300 South First Street, Suite 342
San Jose, California 95113
Telephone (408) 298-2000
Facsimile (408) 298-6046
E-mail: service@moorelawfirm.com

Attorney for Plaintiff
Darren Gilbert

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DARREN GILBERT,

Plaintiff,

vs.

7-ELEVEN, INC., et al.,

Defendants.

No. 2:21-cv-01984-WBS-KJN

**STIPULATION REGARDING TRIAL;
ORDER**

Jury Trial: September 26, 2023

Hon. William B. Shubb

Plaintiff Darren Gilbert (“Plaintiff”) and Defendants 7-Eleven, Inc., Jatinder Brar dba 7-Eleven #23615, Jatinder Singh Brar dba 7-Eleven #23615, I-Chung Ho, Trustee of the Ho Living Trust dated October 26, 1991, Min-Ching Ho, Trustee of the Ho Living Trust dated October 26, 1991, and Kathleen A. Ho (collectively “Defendants,” and together with Plaintiff, “the Parties”), stipulate as follows:

1. Attached hereto as Exhibit A is a letter dated September 1, 2023 from Dr. Alina Haider of Orangeburg Medical Group, Plaintiff’s primary treating physician. Dr. Haider indicates that due to a series of strokes suffered from December 2022 to January 2023, Plaintiff suffers from significant physical and communicative impairments that prevent him from providing oral testimony and personally attending trial.

**STIPULATION REGARDING TRIAL;
ORDER**

2. Due to Plaintiff's condition, the Parties stipulate that Plaintiff's deposition transcript may be used at trial in lieu of personal testimony.

3. The Parties will be separately filing a stipulation that they are waiving the right to jury trial and the Parties stipulate and respectfully request that the trial be conducted by the Court instead.

4. Based on the foregoing, the Parties stipulate and respectfully request that the court trial be conducted via Zoom remote videoconferencing in order to simplify the trial of this matter and reduce the burden on the Court and its resources. If the full trial cannot be conducted via Zoom, the Parties respectfully request that Plaintiff, at the least, be permitted to attend trial via Zoom videoconferencing if his health permits.

IT IS SO STIPULATED.

Dated: September 7, 2023

MOORE LAW FIRM, P.C.

/s/ Tanya E. Moore

Tanya E. Moore
Attorney for Plaintiff,
Darren Gilbert

Dated: September 7, 2023

CALL & JENSEN
A Professional Corporation

/s/ Michael S. Orr

Julie R. Trotter
Michael S. Orr
Attorneys for Defendants,
7-Eleven, Inc., Jatinder Brar dba 7-Eleven #23615,
Jatinder Singh Brar dba 7-Eleven #23615, I-Chung
Ho, Trustee of the Ho Living Trust dated October
26, 1991, Min-Ching Ho, Trustee of the Ho Living
Trust dated October 26, 1991, and Kathleen A. Ho

STIPULATION REGARDING TRIAL;
ORDER

ORDER


The Parties having so stipulated and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff Darren Gilbert's deposition testimony may be relied upon at trial in lieu of personal testimony, and that Plaintiff is excused from personal appearance at trial.

IT IS FURTHER ORDERED that the trial will be conducted before the Court beginning on September 26, 2023, without a jury. However, plaintiff's request that the trial be conducted remotely by Zoom video conference is denied. Arrangements can be made for plaintiff to view and listen to the proceedings remotely if he so chooses, but the court prefers to conduct the trial in open court, with all counsel and other witnesses participating in person in the courtroom.

IT IS SO ORDERED.

Dated: September 8, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE